

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Education and Cultural Affairs*

*August 2005*

**Members:**

*Sen. Elizabeth H. Mitchell, Chair*

*Sen. Elizabeth M. Schneider*

*Sen. Karl W. Turner*

*Rep. Jacqueline R. Norton, Chair*

*Rep. Edward D. Finch*

*Rep. Elaine Makas*

*Rep. Emily Ann Cain*

*Rep. Connie Goldman*

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*Rep. Vaughn A. Stedman*

*Rep. Gerald M. Davis*

*Rep. Peter Edgecomb*

*Rep. Scott E. Lansley*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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**LD 783**                      **An Act To Require That the Pupil Evaluation Team Set Graduation Standards for Special Education Students**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY MITCHELL	ONTP	

LD 783 proposed to reestablish the role of the individual education plan as the controlling factor in determining the specific graduation requirements for special education students.

**LD 784**                      **Resolve, Directing the Department of Education To Conduct a Fiscal Analysis of State Requirements That School Administrative Units Implement Local Assessment Systems**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDMAN TURNER	ONTP	

LD 784 proposed to direct the Department of Education to conduct a fiscal analysis of the state requirement that each school administrative unit must adopt and implement a local assessment system. The Department of Education would have been required to submit its report to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2005.

**LD 796**                      **An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition**                      **PUBLIC 435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-268

LD 796 proposed implementing the recommendations of the Commission to Study Public Health concerning schools, children and nutrition. The bill proposed the following:

1. Requiring schools to provide nutrition education for students, teachers and staff and requiring a parent outreach component for nutrition education;
2. Requiring food and beverages sold or distributed on school grounds but outside of school meal programs to adhere to healthy foods and beverages standards established in statute and rule.
3. Requiring schools to post nutritional information for menu items;
4. Directing school boards to prohibit advertising of foods and beverages other than "healthy foods and beverages" on school grounds;

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5. Prohibiting schools from using food and beverages as a reward or incentive for learning or behavior in a school setting;
6. Requiring that, after December 2005, new contractual agreements for teachers must provide at least 20-minute lunch periods for students and teachers;
7. Requiring confidential assessments for body mass index for Maine schoolchildren in kindergarten and compilation and reporting of this data ;
8. Requiring elementary and middle school students to participate in 150 minutes of physical activity per week outside of recess and high school students to participate in 220 minutes of physical activity per week and establishing a physical education consultant position within the Department of Education;
9. Directing the Department of Health and Human Services, Bureau of Health and the Attorney General to determine whether advertising of certain foods and beverages directed at children 12 years of age or younger can legally be restricted on Maine television stations;
10. Directing the Department of Education to implement a pilot program to install dairy vending machines selling flavored and unflavored milk with 1% or less fat in schools;
11. Directing the Department of Education and the Department of Agriculture, Food and Rural Resources to collaborate to implement the National Farm to School Program to provide local fruits and vegetables in schools;

**Committee Amendment "A" (S-268)** is the unanimous report of the Joint Standing Committee on Education and Cultural Affairs. It proposed removing several sections from the bill.

### ***Enacted law summary***

Public Law 2005, chapter 435 implements certain recommendations of the Commission to Study Public Health concerning schools, children and nutrition. It does the following:

Directs the Department of Education to encourage nutrition education in public schools;

Directs the Department of Education to establish standards for food and beverages sold outside of the school meal programs. These standards are to be adopted through rulemaking. The rules are designated major substantive rules;

Requires schools to post caloric information on prepackaged a la carte items offered for sale;

Directs the Department of Education to implement a pilot program to install milk vending machines; and

Directs the Department of Education to collaborate with the Department of Agriculture, Food and Rural Resources to implement the National Farm to School Program.